

June 7, 2010 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, June 7, 2010 at 7:20 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia

Councillor Barbara A. VonVillas, Members Present

CONSENT CALENDAR

1. Approval of Minutes – Special Meeting, May 17, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Regular Meeting, May 17, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

3. Resolutions from Rhode Island Cities and Towns, re: Requesting support for proposed legislation. (See Attached List with enclosures)

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said resolutions.

Councillor Silveira recused himself from acting on the following item of business, due to a possible conflict of interest, business related.

4. Application of KJ'S Pub, Inc dba KJ'S Pub, 59-61 Aquidneck Avenue for RENEWAL of Mechanical Amusement Device License for the 2010-2011 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.

5. Application for a Special Event Permit from Sail Newport & Laser Performance for the Laser New England Masters Championship to be held at the Sakonnet River off Third Beach on Saturday, September 25, 2010 from 8am to 7pm and Sunday, September 26, 2010 from 8am to 7pm.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said special event permit.

TOWN COUNCIL

- 1. Memorandum of Councillor Santos, re: Council Meeting May 17, 2010, Regular Docket item #6 – Purchase of Rescue Water Craft.**

Councillor Santos inquired why the Rescue Water Craft cannot be utilized by Town lifeguards.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that the Rescue Water Craft will be kept at the Middletown Fire Department to enable proper response throughout the Town. There have been firefighters trained to properly utilize the craft.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

2. Application of West Marine Products, Inc. dba West Marine, 379 West Main Road, for a Holiday License for the 2010-2011 year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

3. Application of Florence A. Cyr dba Dawg House, 687 West Main Road, for a Hawkers License for the 2010-2011 year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

Councillor Silveira recused himself from acting on the following two items of business, #4 and #5, due to a possible conflict of interest.

4. Memorandum of Arthur S. Weber, Jr., Chairman, Middletown Planning Board, with enclosure, re: Planning Board Decision – Request of CVD, LLC for consideration and action on proposed amendments to the Middletown Comprehensive Community Plan relating in part to property at Plat 111, Lots 8, 9, 9A.

Town Solicitor Michael W. Miller explained that, at this time, there is no discussion concerning this matter. The matter will be discussed at a later date, to be determined, when item #5 is advertised for public hearing.

David Dill, 141 Busher Drive, an abutter to the proposed zoning amendment, noted his opposition to the proposed rezoning.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said memorandum.

5. Petition of CVD II, LLC, et al by their Attorney, Joseph R. Palumbo, Jr. with enclosure, re: Proposed amendment to the Zoning Code of the Town of Middletown, changing Plat 111, Lots 8, 9, 9A & 10 in their entirety from Light Industrial (LI) to a new zoning district called General Business A (GBA). (Planning Board recommendation attached) – (Requires advertising for Public Hearing and notice to abutters)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertised and notify abutters for said zoning amendment for public hearing to be held at the August 16, 2010 regular meeting of the Council.

6. Memorandum of Arthur S. Weber, Jr., Chairman, Middletown Planning Board, re: Request for the establishment of a committee to identify Middletown's important public viewsheds and historic and scenic landscapes.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Arthur S. Webber, Jr., Chairman, Middletown Planning Board, addressed the Council to support the establishment of a committee to identify Middletown's important public viewsheds and historic and scenic landscapes.

Councillors Santos, Silveira, Sylvia and VonVillas all noted opposition to the formation of a committee to identify Middletown's important public viewsheds and historic and scenic landscapes.

On motion of Council President Semonelli, duly seconded, it was voted to establish a committee to identify Middletown's important public viewsheds and historic and scenic landscapes, consisting of seven people, requesting the Town Clerk to advertise for said committee; Council President Semonelli and Councillor Bozyan voted YES to said motion; Vice Chairman Cambra, Councillors Santos,

Silveira, Sylvia and VonVillas voted NO to said motion; MOTION FAILED TO PASS.

7. Memorandum of Town Administrator, with enclosure, re: Proposal for Environmental Consulting – Wastewater Services – Condition Assessment Program.

Town Administrator Shawn Brown reviewed the following memorandum entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Manuel Mello, Beacon Terrace North, questioned the use of consultants for more camera work within the Town sewer system.

Town Administrator Shawn Brown, responding to Mr. Mello, explained that area is for the remainder of the sewer system. All camera data previously completed is on file at the Department of Public Works and is linked to the Town GIS.

8. Resolution of the Council, re: Award of contract for Environmental Consulting – Wastewater Services – Condition Assessment Program.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

9. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 90 Animals, Section 90.20 Definitions.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance.

10. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Sections 2, 3, 4, 15, 24 License Fees.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

11. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 6, Sunday Selling License Fee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

12. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 10 Dog Registration.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

13. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 28 Town Maps.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

14. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Sections 29 and 30 .

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

15. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 31 Security Fingerprinting.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

16. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 32 Town Code of Laws with Supplements.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

17. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 33 Beach Fees.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

18. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 34 Campground Fees.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

19. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 35.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

20. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Sections 38 Construction Permit Fees, 39 Plumbing Permit Fees, 40 Electrical Permit Fees and 42 Mechanical Permit Fees.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

21. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 46 Ambulance Billing Rates.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

22. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 52 Approved Reservation of Outdoor Public Places.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

23. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 54 Burning Permit Fee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

24. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 55 Recreation Fees.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

25. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 93 Harbor Rules and Regulations, Section 93.30 Registration Fees.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

26. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title V Public Works, Chapter 50 Garbage and Refuse, Section 50.44 Obligations of Residents.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

27. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 90 Animals, Section 90.40 Cat Breeding.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council at this session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:10 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

June 7, 2010 - Regular Town Council Meeting

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